

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

JONATHAN OTTO,

Plaintiff,

v.

GANNETT SATELLITE INFORMATION  
NETWORK, LLC,

Defendant.

Index No. 1:18-cv-02539 (JFK)

**DEFENDANT’S NOTICE OF MOTION  
TO DISMISS PURSUANT TO  
FED. R. CIV. P. 12(B)(6)**

**PLEASE TAKE NOTICE THAT**, upon this Notice of Motion, together with the supporting Memorandum of Law, the Declaration of Andrew J. Ungberg dated June 8, 2018 and its attached exhibits, and all other papers previously filed with the Court, Defendant Gannett Satellite Information Network, LLC (“Gannett”) will move this Court, before the Honorable John F. Keenan, United States District Judge, at the U.S. Courthouse, 500 Pearl Street, New York, New York 10007, on July 6, 2018 or thereafter as may be determined by the Court, to dismiss Plaintiff Jonathan Otto’s Complaint [Dkt. No. 1] pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure (the “Motion”). Under Local Rule 6.1(b), Plaintiff Otto’s opposition to the Motion, if any, shall be due on or before June 22, 2018, and Defendant Gannett’s reply shall be due on or before June 29, 2018.

**PLEASE TAKE FURTHER NOTICE THAT**, pursuant to Rule 2.E. of this Honorable Court’s individual rules of practice, “[n]o motion papers shall be filed until the motion has been fully briefed. Each party shall file its motion papers on the date the last reply memorandum is due.” Defendant Gannett shall serve the above-reference supporting papers on Plaintiff Otto pending final filing with the Court consistent with the aforementioned individual rules.

Dated: June 8, 2018

**FRANKFURT KURNIT KLEIN & SELZ P.C.**

By: /s/ Andrew J. Ungberg

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